EXHIBIT F

In The Matter Of:

Ernest Richards, II and Rick Richards v. Octane Environmental, LLC, et al.

David Alvarez October 27, 2020

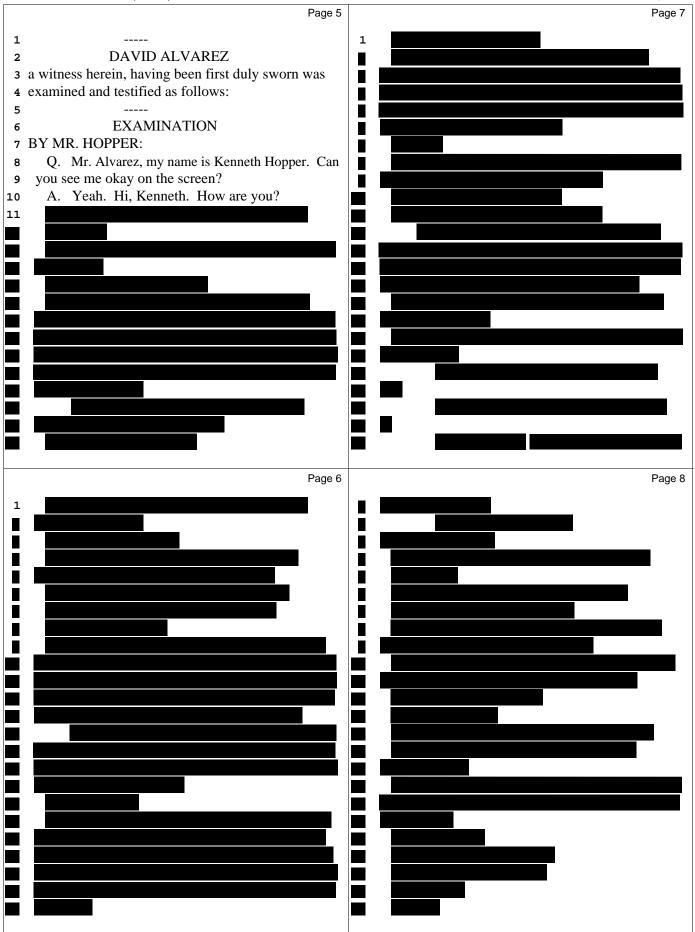
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David Alvarez October 27, 2020

Octane Environmental, LLC, et al.	October 27,	, 2020
Page 1	Pa	age 3
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA	APPEARANCES	
RICK RICHARDS, and ERNEST RICHARDS, II,	Michael A. Secret, Esquire Christopher Brumley, Esquire Flaherty Sensabaugh Bonasso, PLLC Post Office Box 3843 Charleston, West Virginia 25338-3843 Counsel for Plaintiffs/Counterclaim Defenda Kenneth L. Hopper, Esquire Pullin, Fowler, Flanagan, Brown & Poe, PL 2414 Cranberry Square Morgantown, West Virginia 26508 Counsel for Defendants	
V. JASON RICHARDS, AMANDA HUNT, AARON GILES, and JACOB RICHARDS, Third-Party Defendants, Counter Claimants against Octane Environmental, LLC. DEPOSITION OF DAVID ALVAREZ	Wes Prince, Esquire Shaffer Madia Law, PLLC 343 West Main Street Clarksburg, West Virginia 26301 Counsel for Third-Party Defendants ALSO PRESENT: Terence Seikel Joseph Seikel Michael Cardi, Esquire	
WV Depos 304-566-7800	WV Depos 304-566-7800	
Page 2	Pi	age 4
DEPOSITION OF DAVID ALVAREZ	EXAMINATION	
a witness herein, called for examination, taken pursuant to the Federal Rules of Civil Procedure, by and before Amy Harris, a Court Reporter and Notary Public in and for the State of West Virginia via Zoom videoconferencing on Tuesday, October 27, 2020 beginning at 9:02 a.m.	Examination by Mr. Hopper 5 Examination by Mr. Secret 44 Examination by Mr. Hopper 45	
	Reporter's Certificate 47 Errata Sheet 48	
WV Depos 304-566-7800	WV Depos 304-566-7800	



October 27, 2020 Page 11 Page 9 A. Okay. No. Go ahead. 1 Q. Do you know Terence Seikel? 2 3 A. I think I met him a couple of times at my restaurant. But do I know him? I don't believe. I mean, in passing. Q. Okay. Do you remember when you saw him at 6 your restaurant? 7 A. No. I guess be more specific, because --8 Q. Do you remember what year --9 A. -- I think I saw him, you know, the last -- in 10 11 the last -- and there again, it would be speculative to answer it, but I saw him a while back recently, maybe in 12 13 the last year, but I don't -- I don't recall. Said hello. 14 15 Q. Do you remember when you met him the first time? 16 17 A. I don't -- I mean, I remember meeting him at the restaurant, but don't really recall the details. 18 19 Q. It's been told to me that your all's meeting happened around May of 2018. Does that sound about

David Alvarez

Page 12

Page 10

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restaurant. 1

right?

- Q. I understand. 2
 - This first time that you met Terence Seikel,

MR. CARDI: Object to form.

whatever. I see -- I see lots of people at my

A. There again, I mean, I don't know the date or

- do you remember what was discussed? 4
 - A. We talked about the industry, as I recall.
- O. Okay. 6
- A. But --7
- Q. When did -- my apologies, sir. I interrupted
- you again.
 - A. No, no. You're good.
- Q. So you talked about the oil and gas industry? 11
- A. I would assume. But there again, I don't even 12
- -- don't remember the exact time, but I do recall having 13
- met Mr. Seikel. 14
- Q. Do you remember who else was with Mr. Seikel 15
- when this first meeting happened? 16
- A. I'm not 100 percent sure, but I think maybe 17
- Rick Richards, but I don't know if there was anyone else 18
- there. 19
- Q. Okay. Do you think it was Rick that 20
- introduced you two? 21
- A. There again, I don't recall. I don't remember 22
- 23 if I met Mr. Seikel previous to that or that time.
 - There again, I see a lot of people.

- Q. Okay. And then you mentioned you're also
- involved in the logistics for the oil and gas industry. 2
- Is that Energy Transportation? 3
- A. That would be correct. 4

Octane Environmental, LLC, et al.

1

- Q. Okay. And then Energy Resource Group, does 5
- that also fall underneath that realm? 6
- A. That's not a company that I own. 7
- Q. Okay, okay. As I understand it, Jason 8
- Henderson, he's the owner of that company. Is that
- correct? 10
- A. That is correct. 11
- Q. At any point in time, did you have any 12
- ownership interest in that company? 13
- A. No. 14
- Q. Okay. Mr. Alvarez, do you know who Craig 15
- Stacy is? 16
- A. I do not. 17
- Q. Okay. Ever hear that name before? 18
- A. Not that I recall. But I see a lot of people 19
- in my daily travels. 20
- Q. I understand. 21
- How about --22
- 23 A. But --
- 24 Q. I'm sorry, sir. I interrupted you. Go ahead.

Page 15

Page 16

Page 13

- Q. I understand, I understand. And I'm not here 1 to really test the strength of your memory, because I 2
- know we're talking about things that happened over
- two years ago, so if you don't recall, that's perfectly
- fine. I just want to see what you do remember. 5
- With that being said, during this meeting when 6
- you met Terence Seikel, at any point in time, did you
- 8 tell him that you would like to talk to him because you 9 might be interested in purchasing Octane Environmental?
- A. I don't know if it would be stated exactly 10
- 11 like that. But most everybody that comes into a
- 12 restaurant in the evening and knows you're in the oil
- and gas business wants to boast about what they're doing 13 14
 - and you're doing.
- 15 And at the end of the day, at that point in time, I don't recall the exact discussions, but it 16
- 17 could've happened, whether he was talking to me or vice
- 18 versa.
- 19 Q. Okay. So do you have any specific
- 20 recollection -- and obviously, it didn't have to be
- 21 these exact words. But do you have any recollection of
- telling Mr. Seikel that you might be interested in 22
- 23 purchased Octane?
- 24 A. I think that that could've happened. I mean,

- remember anything else about the conversations that you
- had with Terence Seikel?
- 3 A. There again, if you're saying it's back in
- '17, I'd have to -- to be honest with you, if Terry or
- Terence walked in the room, you'd have to point him out
- to me right now. I can't get a recollection of his 6 7
- face. 8 Q. Fair enough, fair enough.
- 9 How about Joseph Seikel, have you ever met
- 10 him?
- 11 A. Maybe. But there again, I meet a lot of
- people. 12
- Q. Okay. Do you have any recollection of meeting 13
- Joseph Seikel? 14
- 15 A. Not as I sit here today.
- Q. Okay. 16
- A. Maybe back to your other question, I might 17
- have been at the restaurant under the influence of 18
- 19 alcohol.
- O. I understand. Sometimes that hinders our 20
- 21 memory, right?
 - A. I don't -- I'm just kidding. I just --
- 23 Q.

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Page 14

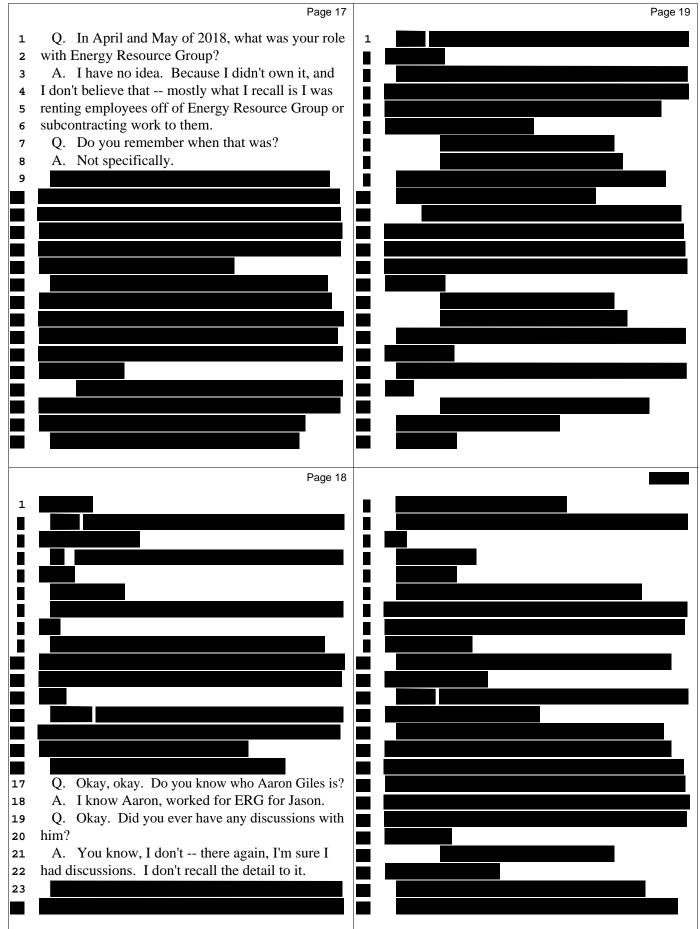
- at the end of the day, we -- we're in that space and I believe -- and I'm not sure -- we might have been buying
- 2
- containment from Octane. 3
- Q. Are you talking about ASTs, aboveground 4
- storage tanks? 5
- A. I'm just talking about containments for 6
- smaller -- like a frac tank or containments related to
- -- we call them bird baths. You have to put them under
- equipment when it's running in case there's oil dripping 9
- or something, but I believe that we bought some from 10
- him, but there again --11
- Q. You said we bought some. I assume that's one 12
- of your companies? 13
- A. Either Applied Construction or maybe Energy 14
- Transportation. 15
- 16 Q. Okay. I think I may have already asked you
- this. But do you know how many times you have actually 17
- talked to Terence Seikel? 18
- A. I think I could probably count them on less 19 20 than one hand.
- Q. Okay. So two, maybe three times? 21
- A. Less than five. 22
- 23 Q. Okay. Aside from possibly discussing a sale
- of Octane or just the oil and gas industry, do you

Q. Did you and Rick ever discuss him coming to work for Energy Resource Group?

A. I don't believe that I had discussed with him 12 Energy Resource Group, but there again, that's Jason 13 Henderson's company. I could've maybe been at a meeting 14 where -- like a -- at the -- like say at the restaurant 15 where Jason has introduced me to Rick, because I don't 16 even recall the first time that I met Rick, so it was 17 either with Terence or one other time. 18

But you know, at the end of the day, I wouldn't be representing Energy Resource Group for Jason.

21 22 Octane Environmental, LLC, et al.



Page 21 1

Q. And again, she just said, he just told them

that he supported work in West Virginia and that if they

- wanted to come work for him he was just explaining that
- he had jobs available for them if they wanted to come
- 9 work there. So does that sound like something that you
- might have said? 10

Octane Environmental, LLC, et al.

- 11 A. In a generalized form, you know, I like
- 12 employing people in West Virginia and I do care about
- 13 West Virginia. I don't believe that I was hiring those
- people. I think ERG was hiring them, and to the tense 14
- 15 that come work is I had projects that I was, you know,
- subcontracting to ERG -- and not really subcontracting, 16
- 17 providing labor on.
- 18 Q. Okay. So you weren't offering them a job at
- 19 ERG; is that what you're saying?
- A. No. Because I didn't own ERG. 20
- 21 O. Okav.
- A. But I was more supporting my CFO, who's -- I 22
- 23 don't know if you know -- is handicapped and you know,
- just being positive to whatever his decision was there

- So in essence, by -- you know, you want to
- help Jason out by backing him up and you know, saying,

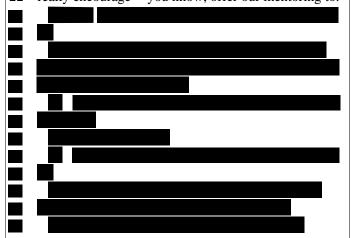
David Alvarez

Page 23

Page 24

October 27, 2020

- hey, he works for my other company, does a great job, so
- I think he'll do that with this company too; is that a
- good way to put it?
- A. Yeah. To use an example, I own the Wonder Bar 6
- 7 restaurant, but I have a partner that owns 49 percent of
- it and manages it. That's a different setup because we own the real estate, so -- but we -- you know, we have
- partners, and we have people that we encourage -- or not 10
- 11 really encourage -- you know, offer our mentoring to.



Page 22

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- to, you know, start a company, which I believe he
- 2 started earlier to this date, but I don't know the exact
- 3 dates.
- Q. You said you were supporting your CFO. You're 4
- talking about Jason, correct? 5
- A. Correct. 6
- 7 Q. Why did you say your CFO?
- A. Well, so he is the CFO of Energy
- Transportation. 9
- Q. Okay. 10
- A. And if you look at my history, I like to see 11
- people be entrepreneurial and I encourage people to 12
- start businesses. 13
- Q. Okay. So you were just providing him the --14
- basically a pat on the back kind of support, like hey, 15
- I'm here to support you? 16
- A. You know, I look at -- you know, why does 17
- NASCAR put Dupont on the hood of the car, you know, or 18
- why does Dupont put their name on the hood of a car? I 19
- 20 don't know.

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- I think there's a little bit of value to my
- brand in our region, and I'm willing to lend that brand 22
- 23 to somebody like Jason that I believe is a good person.
 - Q. Okay. I understand that.

Q. Okay. At any point in time, did you ever represent to anybody that you were an owner or part owner of Energy Resource Group?

MR. CARDI: Object to form.

- A. Not that I recall.
- Q. Okay. 12
- A. I think there's a lot of people that make 13
- their own ascertations out of a discussion. But I don't own the West Virginia Mountaineers, but I feel like I 15
- do, not this past weekend though. 16
- Q. I was going to say, which team, football or 17 basketball. 18





